

**COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS LLP**  
Gregory W. Poulos (SBN 131428)  
Max L. Kelley (SBN 205943)  
190 The Embarcadero  
San Francisco, CA 94105  
Telephone No.: 415-438-4600  
Facsimile No.: 415-438-4601

**McKASSON KLEIN & HOLMES LLP**  
Mark D. Holmes (SBN 156660)  
600 Anton Boulevard, Suite 650  
Costa Mesa, CA 92626  
Telephone: (714) 436-1470  
Facsimile: (714) 436-1471

Attorneys for Plaintiff  
DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka  
CHRISTENE COHEN), *in personam* and  
F/V POINT LOMA, Official Number  
515298, a 1968 steel-hulled, 126-gross ton,  
70.8- foot long fishing vessel, her engines,  
tackle, furniture, apparel, etc., *in rem*, and  
Does 1-10,

Defendants.

Case No.: CV 07-02952 WHA

**[PROPOSED] ORDER DENYING  
DEFENDANTS' MOTION FOR  
ADMINISTRATIVE RELIEF TO  
SHORTEN TIME FOR HEARING  
DEFENDANTS' MOTION TO  
VACATE ORDER OF ARREST**

COX, WOOTTON,  
GRIFFIN, HANSEN  
& POULOS LLP

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94105  
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FAX 415-438-4601

DelMarSeafoods/2504

1           The Court having reviewed the moving and opposing papers finds that the  
 2 defendants, moving parties, lack the capacity or standing to bring the motion. The Court  
 3 finds that the moving Corporation is a suspended Corporation under California law and  
 4 therefore it may not defend this action unless and until its Corporate status is reinstated by  
 5 the California Secretary of State. The Court further finds that the *in personam* defendants  
 6 have failed to present any evidence that they have an interest in the vessel that would entitle  
 7 them to the relief sought.

8           In addition, the Court also finds that the defendants have failed to establish the  
 9 “substantial harm or prejudice” that would result from a hearing on the Court’s normal  
 10 calendar as required under Local Rule 6-3.

11           The Court also finds that the defendants failed to establish that they engaged in a full  
 12 meet and confer process prior to the filing of the motion, and they further have failed to  
 13 adequately explain the effort to set the hearing on a date when the plaintiffs’ counsel is  
 14 unavailable.

15           Based on these findings, the motion for administrative relief under Local Rules 6-3  
 16 (c) and 7-11 (b) is denied.

17  
 18 IT IS SO ORDERED:

19  
 20 \_\_\_\_\_  
 21 Honorable William Alsup  
 22 United States District Court, Northern District  
 23 of California

24 Submitted by:

25 COX, WOOTTON, GRIFFIN,  
 26 HANSEN & POULOS, LLP  
 27 Attorneys for Plaintiff  
 28 DEL MAR SEAFOODS, INC.

By: \_\_\_\_\_  
 Gregory W. Poulos

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